

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

v.

TROPICAL FRUIT, S.E.; AVSHALOM  
LUBIN; CESAR OTERO ACEVEDO; and  
PEDRO TOLEDO GONZALEZ

Defendants

Civil Action No. 97-1442-DRD

**MOTION REQUESTING AN ADDITIONAL EXTENSION OF TIME TO  
FILE MOTION IN COMPLIANCE WITH ORDER TO SHOW CAUSE**

TO THE HONORABLE COURT:

COME NOW defendants, represented by the undersigned counsel, and very respectfully allege and pray:

1. The appearing party filed an Opposition to the Notice of Default And Request For Extension of Time to File Motion in Compliance With Order to Show Cause on March 24, requesting an extension of twenty one (21) calendar days, to be counted from March 28, 2005, that is, until April 18, 2005, to comply the Court's Order to Show Cause.

2. Although defendants have made all the efforts to comply with this Court's order in the above mentioned term, it has been impossible due to the fact that there are several documents related to the Consent Decree and the original case file needs to be reviewed, and it has was not until this week that they are located in the dead file where the original file was deposited. Also, the undersigned has been involved in a mediation process that began on April 11<sup>th</sup> and will extend until April 15<sup>th</sup>, 2005, in the case of Alstom

Power, Inc., v. American International Insurance Co., Inc., et al, before the United States District Court for the District of Puerto Rico, civil no. 03-1671 (DRD). Further, the undersigned was traveling outside of Puerto Rico until march 29, 2005 and since arrival to his office was constantly working in the preparation for the mediation process, which preparation has included meeting with experts, legal research, drafting of position papers requested by the Mediators on a case that presents legal issues of coverage and very technical aspects related with refractory construction.

3. The appearing defendants hereby request and additional extension of eighteen (18) days, to be counted from April 18<sup>th</sup>, to comply with this Honorable Court's Order to Show Cause.

WHEREFORE, it is respectfully requested from this Honorable Court that it grant defendants an extension of eighteen (18) additional calendar days to be counted from April 18, 2005, to comply the Court's Order to Show Cause.

Respectfully submitted.

In San Juan, Puerto Rico, on this 11 day of April, 2005.

I HEREBY CERTIFY that on April 11, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Mr. Henry Friedman, Esq., Environmental Enforcement Section, U. S. Department of Justice, PO Box 7611, Washington, D. C. 20044; Isabel Muñoz, Assistant United States Attorney, Federal Building, Room 452 Chardon Avenue, Hato Rey, Puerto Rico 00918.

I HEREBY CERTIFY that I have mailed by United States Postal Service the foregoing document to the following non CM/ECF participants: German A. González PO Box 190764 San Juan, PR 00919-0764.

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